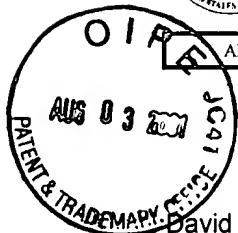


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# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/773,253	01/31/2001	John E. Hoffmann	2479.2021-000

CONFIRMATION NO. 4333

## FORMALITIES LETTER



\*OC00000006056088\*

David J. Thibodeau, Jr.  
 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
 Two Militia Drive  
 Lexington, MA 02421-4799

Date Mailed: 05/09/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- o The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 840.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/07/2001 BNGUYEN1 00000012 09773253

 01 FC:101  
 02 FC:105

 710.00 OP  
 130.00 OP



F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sector **3**

Applicants: John E. Hoffmann, George Rodney Nelson, Jr., Daniel I. Riley, Antoine J. Roush and James A. Proctor, Jr.

Application No.: 09/773,253 Group: 2631

Filed: January 31, 2001 Examiner: Not Assigned

For: MAXIMIZING DATA RATE BY ADJUSTING CODES AND CODE RATES IN CDMA SYSTEM

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>7/30/01</u>	<u>J. Simen</u> Signature
Judith A. Simen Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated May 9, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

 EXECUTED DECLARATION/POWER OF ATTORNEY

*(Separate transmittal letter and postcard not required)*

 FILING FEE - with Fee Transmittal for Patent Applications in duplicate.

*(Separate transmittal letter and postcard not required)*

 SURCHARGE - surcharge fee of \$130.00.

*(Separate transmittal letter and postcard not required)*

 INFORMATION DISCLOSURE STATEMENT w/PTO Form 1449 (1 pg.)  
w/references.

**SEQUENCE LISTING** - Filed concurrently and is attached.

*(Separate transmittal letter and postcard required)*

 **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

Sheets of substitute drawings consisting of Figs. 1 - [ ] are enclosed.

*(Separate transmittal letter and postcard not required)*

 **PETITION FOR EXTENSION OF TIME**

Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated May 9, 2001 for one month from July 9, 2001 to August 9, 2001. The appropriate fee of \$110.00 is included in the enclosed check.

A [ ] month extension of time to respond to the Notice to File Missing Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee.

Applicant hereby petitions for an additional [ ] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[ ] is included in the enclosed check.

*(Separate Petition for Extension of Time and postcard not required)*

 **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

*(Separate transmittal letter and postcard required)*

 **STATEMENT CLAIMING SMALL ENTITY STATUS**

Was filed on [ ].

Is enclosed herewith.

*(Separate transmittal letter and postcard not required)*

In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[ ] which were paid on [ ] to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$950.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Christopher J. Lutz  
Registration No.: 44,883  
Tel.: (781) 861-6240  
Fax: (781) 861-9540

Lexington, Massachusetts 02421-4799

Date: 7/30/01

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.



FEE TRANSMITTAL FOR PATENT APPLICATIONS	Attorney Docket Number	2479.2021-000
	Application Number	09/773,253
	First Named Inventor	John E. Hoffmann

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	11 - 20* =	0	x \$ 18 =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1 - 3** =	0	x \$ 80 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 270 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 710
				Total of above Calculations =	\$ 710
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 710
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$ 110
				Assignment Recordation Fee = (only when filed with application)	\$
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 950

- Small entity status:
  - A small entity statement is enclosed.
  - A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
  - Is no longer claimed.
- A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.
- A check is enclosed for \$950.00.  Please charge \$[ ] to Deposit Account No. 08-0380.
- Other: \_\_\_\_\_

Signature		Date	7/30/01
Submitted by Typed or Printed Name	Christopher J. Lutz	Reg. Number	44,883